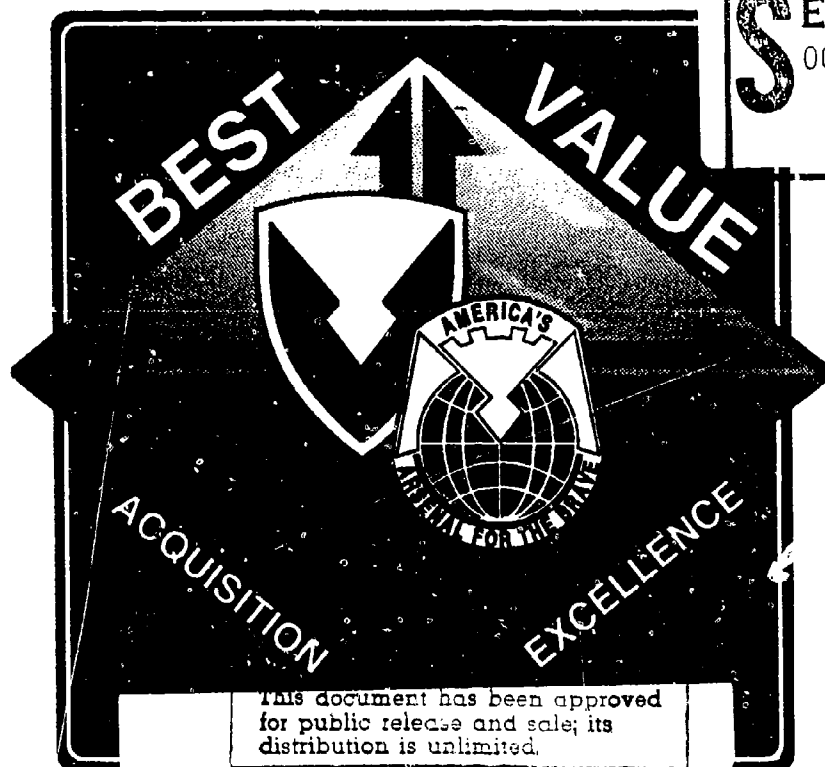


THE BEST VALUE APPROACH

TO SELECTING A CONTRACT SOURCE

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A GUIDE TO BEST PRACTICES

U.S. Army Materiel Command
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FOREWORD

The U.S. Army Materiel Command (AMC) acquisition community has long recognized the advantages associated with evaluating and comparing other factors in addition to cost or price in making major contract source selections. The use of this "best value" approach to contracting is increasing for many types of buys, both small and large because it permits greater flexibility to use sound business judgment in weighing non-cost factors against cost in selecting the proposal that best meets the government's needs. A best value approach allows access to information about a potential offeror that exceeds the price alone. This can provide a better understanding of how an offeror intends to meet delivery, quality, and performance requirements at the offered price and increases the likelihood of selecting quality suppliers. However, this approach can be complex, expensive and time-consuming and is therefore not suitable for all acquisitions. A uniform understanding of the best value concept is essential to ensure that the source selection approach fits the acquisition needs and will result in selection of the most advantageous offer.

This guide is a result of suggestions made by members of the AMC acquisition community who participated in the Best Value Contracting Workshop. It is intended for a multifunctional audience to promote understanding of how and when to use the best value approach. It provides broad guidelines of best practices for a wide range of best value source selections, using both formal and informal procedures. AMC contracting activities are encouraged to develop and issue source selection procedures that include the best value approach. The considerations outlined in this guide can serve as the basis for development of such procedures.

I extend my thanks to the major subordinate command representatives who reviewed the draft document and made many valuable contributions to the drafting of this guide.

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General, U.S. Army
Commanding
U.S. Army Materiel Command

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ACKNOWLEDGMENTS

The U.S. Army Material Command (AMC) is issuing this guide to assist our acquisition community and our customers in understanding the best value contracting approach. It should be used in conjunction with existing regulations.

The AMC Project Manager was Shelley Scott. AMC gratefully acknowledges the invaluable assistance of the major subordinate command representatives who reviewed the draft documents, provided comments and recommendations, and so graciously shared their knowledge and experience in the area of best value contracting. In addition, we want to recognize the assistance and special contributions of the following HQ AMC staff members: Jim Gleason, Kathy Love, and Ludlow Martin.

This was a team effort and we acknowledge all those on the AMC team whose contributions to this guide will impact the understanding and application of best value contracting.

We encourage circulation of this guide to all acquisition personnel considering the use of a best value approach and to any others who may benefit.

Additional copies of this publication are available from the Defense Technical Information Center (DTIC). The guide may be ordered by calling 1-800-225-3812 or 1-800-CAL-DTIC and pressing 5 for document orders.

We welcome your comments regarding this guide. Please send your suggestions or questions to the Contract Policy Division (AMCAQ-K) whose address is shown at the back of the guide.

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PROCUREMENT

THE BEST VALUE APPROACH
TO SELECTING A CONTRACT SOURCE

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Introduction

Source selection is the process used in competitive, negotiated contracting to select the proposal offering the most advantageous alternative to the Government. The two approaches which can be used to select the most advantageous alternative are the lowest cost, acceptable proposal or best value. The source selection approach used should be commensurate with the acquisition's evaluation needs; i.e., don't make source selection more complicated and expensive than necessary.

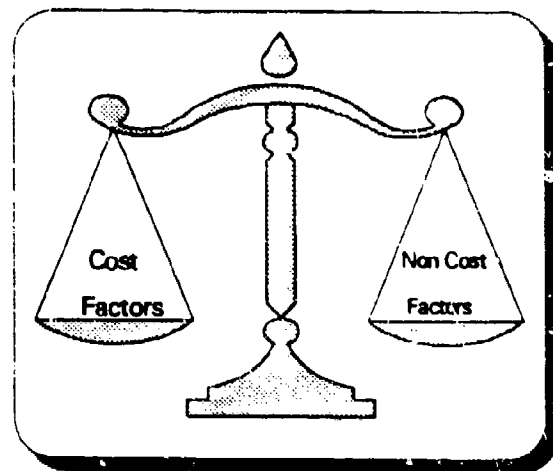
In many instances, using the lowest cost, acceptable proposal approach will result in selection of the most advantageous alternative. Under this source selection approach, the Government states its minimum requirements in the solicitation, describes the information that offerors must submit for evaluation, uses a go/no-go (pass/fail) evaluation of the technical proposals, and awards to the responsible offeror that submits a technically acceptable proposal at the lowest evaluated price/cost.

In certain situations, comparing only the cost of technically acceptable proposals would not adequately ensure the most advantageous alternative. In these instances, the Government may get a better solution by comparing proposals not only on cost or price, but also on other factors and, considering the varying value across the range of alternatives offered.

The best value approach may be appropriate when it is likely that variations in industry solutions could result in beneficial differences in achieving mission objectives. However, the

best value approach can be an expensive and sophisticated process that generally requires in-depth planning, as well as more personnel, documentation, and time.

More frequent use of the best value approach and the resulting lessons learned have established the need for this guide. The stated principles apply to formal source selections using a best value approach as well as to best value acquisitions which use other than formal source selection procedures.



Overview

What is "Best Value?"

Best value is a process used in competitive negotiated contracting to select the most advantageous offer by evaluating and comparing factors in addition to cost or price.

This approach can be complicated and expensive. Therefore, activities should ensure that the resources expended are commensurate with the acquisition's needs. That is, don't make the source selection more complicated and expensive than necessary.

The best value approach gives activities the flexibility to consider innovative or individualized solutions to meet performance specifications and allows the source selection authority to exercise business judgment through a cost/technical tradeoff process. In general, the best value evaluation process includes three steps. First, each proposal is evaluated on the basis of technical or other non-cost factors specified in the solicitation against preestablished evaluation criteria, and each proposal's evaluated cost. Second, any required discussions are conducted with the offerors, the proposals are compared against each other and, if necessary, a cost/technical tradeoff is performed. Third, the contract is awarded to the offeror providing the most advantageous alternative to the Government consistent with the solicitation evaluation criteria. This means that the lowest cost offer may not be the most advantageous to the Government.

"The best value approach can be complex."

The Federal Acquisition Regulation (FAR) prescribes the general policies governing selection of a source whose proposal offers the "greatest value" to the Government, otherwise known as the best value approach. Appendix A contains definitions of certain words and terms associated with the best value approach. Appendix B contains references to some of the sources which can provide more detailed guidance on the best value approach.

When to Use Best Value: Strengths and Potential Pitfalls

Use best value when it is essential to evaluate and compare factors in addition to cost or price in order to select the most advantageous offer.

When the Government demands very high technical capabilities, qualifications, or experience which a low cost offeror may not possess, a best value approach may be best. Such an approach may be particularly appropriate if the Government's requirements are difficult to define, complex, or historically

troublesome, AND there is rationale for paying more money to select a more advantageous proposal.

Activities should always consider the strengths and potential pitfalls of using a best value approach in an analytical and objective manner prior to using that approach to selecting a contract source.

Strengths

- ▶ Allows greater flexibility to subjectively compare technical and cost factors to determine the value of the relative strengths, weaknesses, and risks of the offers.
- ▶ Enables selection of the best approach among a range of solutions and increases the likelihood of selecting suppliers who are most likely to provide quality products, on time, and at reasonable cost.
- ▶ Takes advantage of the experience and independent judgment of the source selection official.

Potential Pitfalls

Implementation shortcomings include: Using evaluation criteria which do not accurately reflect the Government's requirements. Selecting the wrong criteria may result in award to an offeror that may not be most advantageous to the Government.

- ▶ Using too many evaluation criteria. A large number of criteria dilutes consideration of those which are truly important.

▶ Failure to make the significant investment in resources needed for a competent and defensible value analysis.

▶ It is an inherently subjective process, and therefore more difficult to evaluate and document.

Major Steps in the Process

The process generally consists of the following steps:

- ▶ Establishing and documenting a plan for selecting a source. This plan includes the acquisition goals and objectives, identification and relative importance of evaluation factors and subfactors, the evaluation standards, and the selection process.
- ▶ Structuring the solicitation to effectively communicate the Government's requirements, mission objectives, the factors and subfactors, their relative importance, and the methodology for evaluating the proposals.
- ▶ Evaluating the offers on the basis of the source selection plan and the evaluation factors and subfactors in the solicitation.
- ▶ Comparing the strengths, weaknesses, risks, and price or most probable costs of the offers and deciding which combination, in accordance with the solicitation criteria, represents the best value.
- ▶ Notifying offerors and debriefing them upon their request.

► Documenting the lessons learned that may benefit future source selections using the best value approach.

Importance of the Source Selection Authority

The consequences of the selection decision can be far-reaching. In most source selections, the contracting officer is the selection official. However, in a formal source selection, the source selection authority is typically other than the contracting officer, and is often a high ranking official. Therefore, early in the acquisition cycle of a formal source selection, the amount of time and effort required of the source selection authority should be considered. The appropriate person, who can become adequately involved, should then be appointed. The source selection authority must be at a level that is fully accountable for the results of the decision and knowledgeable of the factors necessary to determine the most advantageous alternative to the Government. In addition, successful execution of an acquisition using the best value approach requires early involvement of the source selection authority so that person is prepared to make a rational selection decision consistent with the solicitation.

In a formal source selection, it may be useful to provide the source selection authority with a number of briefings early in the acquisition process. This approach may help to ensure that the source selection authority knows the program and the acquisition process constraints, and allow the source selection authority to readily express concerns and ideas that are likely to influence the final selection decision.

Examples of where source selection authority involvement can be critical include approval of the source selection plan and the solicitation. In addition, the source selection authority should be briefed on critical steps throughout the acquisition.

"The Source Selection Authority should be knowledgeable and involved."

Importance of Procurement Integrity

There are stringent requirements for maintaining the integrity of the procurement process that **MUST** be adhered to by all participants involved in the process for selecting a contract source. This includes both technical and contracting personnel. Both written and oral communications should be guarded. *Procurement integrity rules provide for both civil and criminal penalties for violations (see FAR 3.104).* The guiding principle behind these requirements is that all offerors are treated equally and no one obtains an unfair advantage.

The Plan for Selecting a Source

A comprehensive, thoroughly contemplated plan for selecting a contract source is vital to any best value source selection. In all source selections, the plan is tailored to reflect the complexity of the acquisition. In formal source selections, this plan is called the Source Selection Plan and is prepared for the source selection authority's approval. The plan states the Government's intentions for organizing and conducting the evaluation and analysis of proposals and the source selection. It contains acquisition sensitive information and is not released outside the contracting activity's source selection organization.

Acquisitions using a best value approach are often subject to dynamic internal and external influences. Examples of such influences include:

- ▶ The differing missions or functions to be supported. Such situations influence how the agency specifies its requirements, which in turn, influences offerors' solutions.
- ▶ The rate at which technology and market factors are changing. Between the time the agency identifies a requirement and the offerors submit proposals, technology may have developed efficiency and productivity benefits unanticipated by the agency. Accordingly, activities should structure the selection plan and the solicitation to consider these influences and assure that the offer selected provides the best value to the government.

Purpose of the Source Selection Plan

The source selection plan serves several purposes, including:

- ▶ Defining a specific approach for soliciting and evaluating proposals.
- ▶ Describing the evaluation factors and subfactors, their relative importance, and the methodology used to evaluate proposals.
- ▶ Providing essential guidance to the solicitation developers, especially for solicitation Sections L and M.
- ▶ Serving as a charter for the source selection organization in formal source selections.
- ▶ Serving as the guide for the source selection official.

**"The plan for
selecting a source
is vital."**

Source Selection Plan's Minimum Requirements

Although the FAR does not prescribe a specific format for the source selection plan, it does require that certain essential data be included in plans for formal source selections. This essential data includes:

- ▶ A description of what is to be acquired. This description should be stated in functional terms to the extent possible and use a minimum of technical language.
- ▶ A description of the evaluation organization structure. It may be helpful to include -
 - An organization chart, showing the evaluation team's structure, or a brief description of the organizational structure.
 - The duties and responsibilities of each element of the evaluation organization.
 - The evaluation team's agenda and schedule.
 - Information on the need for preparation and training of the evaluation team.
 - Security procedures to be used by the evaluation team to protect classified, proprietary, or source selection information.
- ▶ Plans for presolicitation activities such as issuing a draft solicitation and holding a presolicitation and/or preproposal conference or Advance Planning Briefing for Industry.

▶ An acquisition strategy summary that includes an explanation of the contract type to be used (e.g., firm fixed price).

▶ The proposed evaluation factors and subfactors, their relative importance, and associated evaluation standards.

▶ A description of the evaluation process, including the rating system to be used.

▶ A schedule of significant milestones that should cover, at a minimum, the period beginning with the designation of the source selection authority and continuing through the period from receipt of proposals through the signing of the contract, during which evaluation, negotiation, and selection take place.

Evaluation Factors and Subfactors

All evaluation factors and subfactors that will be considered in making the source selection and their relative importance must be clearly stated in the solicitation. These factors and subfactors inform offerors of all the significant considerations in selecting the best value source and the relative importance the Government attaches to each of these considerations. Offerors should understand the basis upon which their proposals will be evaluated and how they can best prepare their proposals.

Structure evaluation criteria and their relative order of importance to clearly reflect the Government's need and facilitate preparation of proposals that best satisfy that need.

"Evaluation Factors help offerors understand the evaluation process."

Evaluation factors and subfactors also determine the areas that will be used to differentiate between offers in selecting the offer which represents the best overall value.

Cost Evaluation Factors

The Competition in Contracting Act (CICA), as implemented in the FAR, requires that price or cost to the Government be included as an evaluation factor in every source selection.

"Always include cost or price as an evaluation factor."

The relative importance between cost or price and the non-cost factors must be reflected in both the solicitation and the weights or priority statements in the source selection plan. However, cost/price is not numerically scored in the evaluation of proposals, because of possible distortions that can result when arbitrary methods are used to convert prices into scores.

Cost-related factors and considerations will vary depending on the type of contract. Regardless of contract type, reasonableness should always be a consideration, as the FAR

requires that contracts be awarded only at prices or costs that are fair and reasonable. Cost realism plays an important role in most source selections. A cost realism analysis is a review of each offeror's cost proposal to determine if it is realistic for the work to be performed, reflects a clear understanding of the requirements, and is consistent with the technical proposal.

Cost realism must be considered when a cost reimbursement contract is anticipated. Under a cost type contract, the proposed cost estimates may not be valid indicators of final actual costs which the Government will be obligated to pay. For this type of contract, a cost realism analysis is performed and used to determine the ultimate most probable cost of performance for each offeror. Selection decisions should be based on these probable cost estimates. Significant differences between proposed and most probable costs may signal increased performance risks.

Cost realism may also be considered for fixed price contracts, especially when there are concerns that offerors may try to "buy in" or where other complexities of the acquisition could result in misunderstanding the requirements. In such cases, a cost realism analysis may be useful for determining if there is a significant risk of future performance because of unrealistically high or low prices.

The solicitation must clearly state what costs will be evaluated. These costs may include costs for the basic effort only, basic plus all options, or costs incurred as a result of acquiring or owning an item, (e.g., transportation, life cycle costs). The solicitation should also clearly indicate to offerors how the cost factor will be evaluated.

Non-Cost Evaluation Factors

Non-cost evaluation factors address the proposal's technical and performance efficiency. These factors may include such considerations as technical approach and capabilities, management approach and capabilities, personnel qualifications, and past performance. Non-cost factors must be developed specifically for each acquisition, taking into consideration the particular objectives and requirements of the acquisition. These factors should be those discriminators which are most likely to reveal substantive differences in technical approaches or risk levels among competing offers.

Include the offerors' past performance as an evaluation factor unless it would clearly serve no useful purpose.

The caliber of a contractor's performance on previous contracts must be considered for inclusion as an evaluation factor in competitively negotiated best value acquisitions. A thorough evaluation of past performance, to include information that is outside of the offerors' proposals, serves to ensure that awards are made to good performers rather than to just good proposal writers.

The activity has broad discretion in determining the non-cost evaluation factors and subfactors, their relative importance, and the way in which they will be applied.

Limit evaluation criteria to those areas which will reveal substantive differences or risk levels among competing offers.

However, too many factors and subfactors can lead to a leveling of ratings, in which the final

result may be a number of closely rated offers with little discrimination among competitors. It is not the number of non-cost factors that is critical, but having the right factors.

"Limit evaluation factors to true discriminators."

Basic requirements for non-cost evaluation factors are:

- ▶ A reasonable expectation of variance among offers in that area.
- ▶ An assessable variance, that is either a quantitative or qualitative measurement.
- ▶ The factor must be a true discriminator. An evaluation factor should be chosen only if the activity's requirements warrant a comparative evaluation of that area. The simplest way to assess a potential evaluation factor is to ask: "Will superiority in this factor provide value to the Government and is the Government willing to pay more for that superiority?"

Relative Importance of Evaluation Factors and Subfactors

After determining the evaluation factors and subfactors, their relative importance to each other must be established. The relative importance of factors and subfactors must be consistent with the stated solicitation requirements. If their relative importance does not accurately reflect the Government's requirements, the source selection authority

may later award to an offeror whose proposal may not be most advantageous to the Government. The relative importance of evaluation factors and subfactors may be established by priority or tradeoff statements, judgmental decision rules, weighting, or a combination of these.

► Priority or tradeoff statements would relate one factor to others. For example, in a priority statement, the cost factor may be said to be slightly more important than a non-cost factor called "performance risk" but slightly less important than a non-cost factor called "technical merit." This method allows the source selection authority more flexibility for tradeoff decisions between the non-cost factors and the evaluated cost/price.

► A decision rule would tell how to deal with a factor under varying conditions. A sample decision rule might be "if the management factor is rated anything less than satisfactory, the entire proposal is unacceptable."

► Weighting would involve assigning relative importance to the factors and subfactors using points or percentages for each factor.

Although numerical weights may be used in the evaluation, the weights themselves are not disclosed in the solicitation. If numerical weights are used, they must always be narratively described in the solicitation in terms of priority or tradeoff statements. Numerical weights or formulas should be used with caution as they can limit the flexibility of the source selection authority in making the tradeoff decision.

Evaluation Standards

An evaluation standard normally establishes the minimum level of compliance with a requirement which must be offered for a proposal to be considered acceptable. Evaluators use standards as a tool to determine whether a proposal meets, exceeds or does not meet requirements established in the solicitation. Standards permit the evaluation of proposals against a uniform objective baseline rather than against each other. The use of evaluation standards minimizes bias which can result from an initial direct comparison of offers. Standards also promote consistency in the evaluation by ensuring that the evaluators evaluate each proposal against the same baseline. Standards should be developed concurrently with the evaluation criteria.

Overly general standards should be avoided because they make consensus among evaluators more difficult to obtain and may obscure the differences between proposals. A standard should be worded so that mere inclusion of a topic in an offeror's proposal will not result in a determination that the proposal meets the standard. (An example is shown at appendix C).

While it is sometimes easier to develop quantitative standards because of their definitive nature, qualitative standards are commonly used in best value source selections. Standards, while often referenced in the source selection plan, are usually set forth in a separate internal Government document.

Rating Systems

A rating system uses a scale of words, colors, numbers or other indicators to denote the degree to which proposals meet the standards for the non-cost evaluation factors. Thus, assessments of merit are made using a rating system. Some commonly used rating systems are numerical, adjectival, and color coding.

Rating systems which use adjectives or colors are the most successful because they allow maximum flexibility in making the tradeoffs among the evaluation factors. A narrative explanation must be used in conjunction with any rating system to support the rating given. What is key in using a rating system in best value evaluations, is not the method used, but rather the consistency with which the selected method is applied to all competing proposals and the adequacy of the narrative used to support the rating.

Numerical

This rating system generally allows for more rating levels and thus may appear to give more precise distinctions of merit. However, numerical systems have drawbacks. They lend an unjustified air of precision to evaluations.

"Numerical rating systems can lend an unjustified air of precision."

The use of numerical rating systems in conjunction with specific percentage weightings for the factors provides the least flexibility to

the source selection authority in making award decisions. This rating system's drawbacks can be especially limiting in a best value source selection. Therefore, some organizations do not permit the use of numerical rating systems.

Adjectival

Adjectives (such as exceptional, good, acceptable, marginal, and unacceptable) are used to indicate the degree to which the offeror's proposal has met the standard for each factor evaluated. Adjectival systems may be employed independently or in connection with other rating systems.

Color Coding

This system uses colors to indicate the degree to which the offeror's proposal has met the standard for each factor evaluated. For instance, the color blue may indicate an exceptional rating where the proposal: exceeds specified performance or capability in a beneficial way to the Government; has a high probability of success; and has no weaknesses.

Narrative

Narrative is used in conjunction with a rating system to indicate a proposal's strengths, weaknesses, and risks. Numerical, adjectival, and color coding ratings must be supported with narrative statements. Narrative statements can describe the proposals' relative strengths, weaknesses, and risks to the source selection authority in a way that numbers, colors, and adjectives alone cannot. A narrative is required when evaluation standards are being applied, when a comparison of offers is being made, and when a cost/technical tradeoff is conducted.

Solicitation Structure

Ensure consistency among the objectives of the acquisition, the contracting strategy, the plan for selecting a source, the solicitation, and the evaluation and selection.

Sections C, L, and M of the solicitation work together to communicate government requirements to potential offerors. Section C establishes requirements for the work effort, Section L instructs offerors on how to prepare their proposals, and Section M describes the ground rules for the evaluation. When considered together, Sections C, L, and M should convey to the offerors a clear understanding of the areas where technical and cost tradeoffs can be made in their proposals to best satisfy the Government requirements.

Industry frequently complains that activities issue solicitations with major conflicts, especially between Sections C, L, and M. An inconsistent solicitation may result when different groups of people develop the different sections without proper coordination. Such a solicitation can defeat our objectives, cause unnecessary delays, or lead to litigation.

Coordination within a multidisciplinary acquisition team, whose members are stakeholders in the acquisition and have a commitment to work together, is the best way to ensure consistency. Activities may also find it beneficial to develop a matrix that correlates the solicitation sections and content to ensure solicitation consistency. Activities may want to consider providing industry with a copy of

the matrix as a reference tool to aid in proposal preparation. This approach would promote understanding of the linkage between Sections C, L, and M and explain how all parts of the proposal will be used in the evaluation process.

Appendix C illustrates how the key solicitation documents and evaluation standards track to one another and shows the recommended sequencing for document preparation.

Another way to promote understanding of the solicitation is to:

Foster a presolicitation dialogue with industry to:

- ▶ ***Ensure a mutual understanding of the government's need and industry's capabilities,***
- ▶ ***Minimize inclusion of non-value added requirements, and***
- ▶ ***Promote a more effective best value process.***

Always make sure that you:

Release information to all potential offerors on a fair and equitable basis consistent with regulatory and legal restrictions.

This can be accomplished through use of various communication forums such as Commerce Business Daily notices, Advance Planning Briefings for Industry, draft solicitations, and/or presolicitation/preproposal conferences.

Section C - Description, Specifications, Work Statement

The way the Government presents its requirements can have a significant impact upon a source selection using the best value approach. For example, use of a work breakdown structure (WBS) in the work statement for the most complex cost type contracts can help ensure offerors' pricing breakdowns are consistent and comparable. Some additional areas to consider when preparing Section C include:

Design Requirements

"Using design requirements can limit innovative solutions."

The Government should limit the number of design requirements to those essential to meet mission needs. Design requirements can:

- ▶ Limit competition. Limit situations where potential offerors can propose innovative solutions.
- ▶ Slow the specification development process.

▶ Provide more situations for an offeror to protest (e.g., because of the belief that the winning proposal did not meet all the minimum requirements or that the requirements were unnecessarily restrictive of competition).

▶ Limit the source selection authority's flexibility in making the cost/technical tradeoffs required to select the most advantageous proposal.

Functional or Performance Requirements

The Government should use functional or performance requirements to the maximum extent possible. In some cases, it may be more difficult to develop evaluation standards and conduct the evaluation process itself; however, there are benefits to using functional or performance requirements. These benefits include:

- ▶ Increased competition.
- ▶ Better technical solutions for better prices as a result of offeror innovation.

"Using functional or performance requirements can lead to offeror innovation."

▶ Functional or performance requirements can usually be developed faster than design requirements.

▶ Fewer situations exist for protests.

Section L - Instructions, Conditions, and Notices to Offerors

The instructions for preparing and submitting proposals are critical to an acquisition using the best value approach. Each evaluation factor and subfactor, as outlined in the source selection plan and stated in Section M must have a corresponding instruction in Section L.

Request only the information needed to evaluate proposals against the evaluation criteria. Never ask for information you do not intend to evaluate.

Section L should request all the information needed to evaluate an offeror's proposal against the evaluation criteria.

The information requested from offerors must correlate with the evaluation criteria contained in Section M. However, instructions that require voluminous information can cause potential offerors to forego responding to the solicitation in favor of a less costly business opportunity. Furthermore, excessive size of proposals may increase the Government's costs to perform the evaluation and length of the evaluation period. In order to simplify the preparation of proposals and to make the evaluation easier, activities may wish to consider imposing a realistic limit on the number of pages and foldouts to be submitted.

The instructions on the preparation and submission of proposals must:

- ▶ Be clearly stated.
- ▶ Be keyed to the evaluation criteria.
- ▶ Describe the type, scope, content, and format of the information to be submitted.
- ▶ Describe the order in which proposal responses and materials are to appear.

"Each evaluation factor in Section M must correlate directly with an instruction in Section L."

- ▶ Be limited to the information needed to do the evaluation.

Properly written instructions in Section L simplify the evaluators' job. That is, evaluators do not have to learn a new format for each proposal; they can evaluate the same requirements in each proposal in the same way. With a sufficient degree of structure in the proposal preparation requirements, the activity may be able to accept proposals in electronic form and use some automation in the evaluation process.

Section M - Evaluation Factors for Award

Clearly state in the solicitation the basis upon which the Government will make the best value decision.

Section M forms the basis for evaluating offerors' proposals and is the only section of the solicitation which communicates to offerors which criteria or ground rules the Government will use to select the most advantageous proposal for award.

Section M should provide offerors with information about how the Government will evaluate their proposals. A key portion of Section M is the Basis for Award paragraph which informs offerors of the criteria the government will use to evaluate proposals as well as the evaluation factors and their relative order of importance that the Government will consider in making the cost/technical tradeoff.

This information can help offerors to better focus on those aspects of the mission objectives where additional value can be important and to better respond to the Government's needs by giving emphasis to those things most important to the Government.

Section M must include and adequately describe all the factors and subfactors (as reflected in the source selection plan) that will be considered in making the selection. The relative importance of the factors and subfactors must be disclosed.

The solicitation must also inform offerors of any minimum requirements that apply to particular evaluation factors and subfactors.

Evaluation Considerations

The evaluation process associated with the use of the best value approach includes examining each proposal in detail against the standards established in the source selection plan and the requirements set forth in the solicitation, and assigning a rating, with a supporting narrative. The proposal evaluation process must be conducted in a fair, comprehensive, and impartial manner.

"Evaluations must be fair, thorough, and impartial."

Reasons for the Evaluation Process

The principal purposes of the process are to:

- ▶ Determine which proposals are acceptable and within the competitive range.
- ▶ Provide a sound basis for the source selection authority to make an informed and reasoned selection by:
 - Presenting a clear picture of the issues considered during evaluation by identifying areas of uncertainty as well as those which provide substantial assurance of a successful outcome.

- Listing the strengths, weaknesses, and risks of the proposed approaches.

Evaluation Process Tasks

Evaluation tasks will vary in number and content with each source selection. However, several especially important tasks when using the best value approach are discussed below.

Familiarization

Prior to receipt of proposals, each evaluator should become familiar with the solicitation's requirements, the source selection plan, and the rating system. The activity should, especially for those evaluators with no prior source selection evaluation experience, conduct training that includes an overview of the solicitation and of the work expected throughout the source selection process. The training should include how to properly document each proposal's strengths, weaknesses, and risks.

Non-Cost Evaluations

Evaluators must examine each proposal individually in detail to measure it against the same evaluation criteria and assign a rating. This is the core of the evaluation process. Technical evaluations should be conducted independent of the cost evaluations so that technical findings and conclusions will not be influenced by knowledge of the offered costs. However, after performing technical evaluations, it may be necessary for technical

evaluators to review uncoded level of effort information in the cost proposals. Such a review can help technical evaluators to verify perceived technical strengths, weaknesses or risks and/or ensure consistency between the cost and technical segments of the proposals. All evaluators must have the required functional expertise and training to evaluate the particular area of the proposal to which they are assigned. They should also be thoroughly familiar with the solicitation and the source selection plan.

Identifying Proposal Ambiguities

When proposal language is ambiguous or the proposal's meaning is unclear, the evaluator should put these problems in writing. The contracting officer can then seek amplification of the proposal.

Identifying Inadequate Proposal Substantiation

Evaluators should identify, in writing, instances in which an offeror has not provided enough information to evaluate the feasibility and merit of its proposed approach. The contracting officer can then advise the offeror of the additional information needed for a sound evaluation.

Identifying Strengths, Weaknesses, and Risks

Evaluators must identify and document the strengths, weaknesses, and risks of the competing proposals. Narrative statements must be used to establish a written record. Numerical scores and other rating techniques are not conclusive data to make the source selection decision. Only evaluations

substantiated by specific strengths, weaknesses, and risks can be credible and justifiable. General terms such as "weak" and "poor" must be supported with specific reasons as to why the proposal is "weak" or "poor" in relation to the standard for the specific factor being evaluated. The strengths, weaknesses,

"Documenting proposal strengths, weaknesses, and risks is critical."

and risks of each proposal form a large part of the basis for the source selection decision. The identification of these vital items provides:

- ▶ An element for the contracting officer to consider in determining the competitive range.
- ▶ The framework for any necessary discussions between the Government and the offeror.
- ▶ Specific information on the relative strengths and weaknesses of competing proposals. This is critical to the successful completion of an acquisition using the best value approach because it is an essential element of the evaluation report provided to the source selection authority.
- ▶ The basis for tradeoff analysis ultimately performed by the source selection authority to determine if differences between proposals justify any cost differential.
- ▶ The framework for offeror debriefings.

Identifying Deficiencies and Unacceptable Proposals

Evaluators must identify proposals that fail to meet the Government's minimum requirements. A determination of unacceptability must be based on failure to meet minimum requirements in the solicitation. Generally, the fact that a proposal is deficient as submitted does not mean that it is excluded from further consideration. If discussions are conducted, the contracting officer should explain to the offeror all deficiencies and those weaknesses having a significant adverse impact on the proposal's overall rating and give the opportunity to remedy them. It is to the Government's advantage to maintain a healthy competitive atmosphere throughout the process leading to final source selection.

If a proposal clearly lacks a reasonable chance of being selected for award, the offeror should be notified as soon as possible. However, any doubts about the propriety of excluding an offeror from the competitive range should be resolved in the offeror's favor.

Consensus

The final rating of each proposal should be assigned by consensus of the evaluators. Simple averaging of individual evaluation results does not constitute consensus. Consensus requires a meeting of the minds on classifications, deficiencies, strengths, weaknesses, and risks. In exceptional cases where the evaluators are unable to reach agreement without unreasonably delaying the acquisition process, the evaluation report may include the majority conclusion and the dissenting view(s), each with a supporting rationale.

Cost Evaluation

Cost or price must be an evaluation factor in all acquisitions.

For fixed price contracts, the evaluation may be as simple as a price analysis made by comparing the offered prices to ensure the contract price is fair and reasonable. Other techniques of price analysis or cost analysis may also be used.

For cost-reimbursement contracts, costs are analyzed for realism and reasonableness. The cost realism analysis enables the Government to determine the most probable cost of performance based on an independent analysis of each offeror's own proposed approach. This precludes the Government from making a decision based on overly optimistic offeror's cost estimates and from awarding a contract where risks of an overrun are significant.

A cost realism analysis is a review of the proposal which involves determining whether the amount of resources (labor and material) proposed is consistent with the demands of the work which will actually be required, given the offeror's proposed methods of performance and materials.

The probable cost should reflect the Government's best estimate of the cost of any contract which might result from the offeror's proposal. This estimate should include any additions or reductions in personnel, equipment, or materials resulting from the cost realism assessment.

To the extent that differences between proposed costs and probable costs reflect significant risks of future performance or lack of understanding, that risk or lack of understanding should be reflected in the scoring of the non-cost evaluation. Serious

consideration should also be given in such cases as to whether or not the proposed cost and fee or price can be determined fair and reasonable to both parties.

The probable cost estimates developed for each offeror are used by the source selection authority in the evaluation and comparison of proposals and ultimately in the selection decision.

Competitive Range

Establishing the competitive range results in greater efficiency by limiting the number of offerors with whom the Government must hold discussions. However, failure to properly establish a competitive range can result in higher costs because of protests or eliminating potentially competitive offerors. When establishing the competitive range, the following points should be considered:

- ▶ The competitive range is initially determined before conducting discussions, on the basis of both cost and non-cost factors. However, a proposal can be rejected as "technically unacceptable," even if it offers the lowest price. The criterion for inclusion in the competitive range is whether a proposal has a reasonable chance of being selected for award. Predetermined "cut off" ratings cannot be used to exclude a proposal from the competitive range.
- ▶ If there is any doubt about including a particular proposal in the competitive range, the proposal should be included.
- ▶ The contracting officer determines the competitive range. In the case of formal source selections, the determination is made with the approval of the source selection authority.

▶ The competitive range determination and the supporting rationale should be documented in the contract file.

▶ For proposals excluded from the competitive range, the contracting officer should promptly notify unsuccessful offerors, in writing, of their exclusion.

Conducting Meaningful Discussions/Negotiations

Ensure discussions are meaningful by identifying to the offeror all deficiencies and significant weaknesses in the proposal, including weaknesses that when accumulated, have a significant adverse impact on a proposal's overall rating. Avoid technical leveling or transfusion.



"Ensure discussions are meaningful."

If discussions are conducted, they must be conducted with all offerors in the competitive range. The contracting officer should discuss all deficiencies, ambiguities, omissions, and weaknesses that would adversely affect the proposal's rating. The contracting officer must also ensure that all issues are resolved or are understood by each offeror prior to requesting best and final offers. The following situations must be avoided:

- ▶ Providing the offeror with suggested ways to correct his proposal or "right answers."
- ▶ Disclosing information concerning other offerors' proposals or the evaluation process.

▶ Advising an offeror of its cost standing relative to other offerors or furnishing information about another offeror's cost.

▶ Revealing technical information from a competing proposal during the course of discussions (i.e., technical transfusion).

▶ Coaching, through successive rounds of discussions, an offeror with an inferior proposal to prepare a superior proposal (i.e., technical leveling).

▶ Failing to make pertinent information available to all offerors.

Best Value Decision

Ensure the best value decision:

- ▶ *Is based on a comparative analysis of the proposals;*
- ▶ *Is consistent with stated evaluation criteria; and*
- ▶ *Considers whether or not perceived benefits are worth any price premium. Make the decision on a rational basis and set it forth in an independent, stand-alone defensible document.*

Consistent with Section M of the solicitation, after the activity has completed the evaluation of the individual proposals, the source selection authority compares competing proposals to each other on the basis of costs, technical or other non-cost ratings, and how its strengths, weaknesses, and risks will impact the activity's objectives. The source selection authority may request the evaluators to conduct comparative analyses of proposals and make a recommendation concerning the source selection.

Consistent with Section M of the solicitation, the possible outcomes of the comparison are:

- ▶ The proposal with the superior non-cost merit is the lowest cost proposal. In this case award should be made to the offeror submitting the proposal with the lowest evaluated price or cost.
- ▶ The proposals may be determined to be essentially equal in terms of non-cost factors. In this case also, award should be made to the

offeror submitting the proposal with the lowest evaluated price or cost.

- ▶ When the proposal with the lowest evaluated price or cost is other than the proposal(s) with higher non-cost merit, the source selection authority must perform a cost/technical tradeoff analysis to decide whether the technical superiority of the other proposal(s) warrants payment of the additional costs.

Making the Cost/Technical Tradeoff Analysis

Ratings are merely guides for decision making by the source selection authority who is responsible for determining whether non-cost advantages are worth the cost that might be associated with a higher rated proposal. The determinative element is not the difference in ratings, but the rational judgement of the source selection authority concerning the significance of that difference.

"There is no magic formula for the cost/technical tradeoff process."

When making the cost/technical tradeoff leading to the selection decision, no "magic" formula exists. The cost/technical tradeoff and

the source selection decision, which must be consistent with Section M of the solicitation, require that the source selection authority exercise reasonable business judgment in the selection of the offeror for contract award. The information considered should include an analysis of the following elements of the proposals in the competitive range:

- The total evaluated price or cost.

"A price premium must be justified regardless of the non-cost rating's superiority."

- The significance of the differences in the non-cost ratings as indicated by each proposal's strengths, weaknesses, and risks. The strengths, weaknesses, and risks for each factor must be considered in light of the relative importance of each factor stated in the solicitation.

It is essential to document cost/technical tradeoff judgments with relevant facts and supporting rationale. Mere statements of conclusion based on ratings or scores alone are not acceptable. The cost/technical tradeoff documentation must explicitly justify a price premium regardless of the superiority of the selected proposal's technical or non-cost rating. This justification is required even when the solicitation indicates that non-cost factors are more important than cost. The justification must clearly state what benefits or advantages the Government is getting for the added cost and why it is in the Government's interest to expend the additional funds.

Where it is determined that the non-cost benefits offered by the higher priced, technically superior offeror are not worth the price premium, an explicit justification is also necessary. In this case, the documentation must clearly show why it is reasonable in light of the significance of the differences to pay less money for a proposal of lesser technical merit.

To determine which proposal provides the best value, the source selection authority must analyze the differences between competing proposals. This analysis must be based on the facts and circumstances of each acquisition and must be consistent with Section M of the solicitation.

Documenting the Proposal Comparison

Documentation explaining the final results of the evaluation should be prepared for the source selection authority to use in selecting the most advantageous proposal for contract award. This documentation should include the technical or non-cost evaluation results, the cost evaluation, and the comparative value analysis, if applicable, for each proposal in the competitive range. The documentation should also include other considerations such as the results of contract negotiations. On formal source selections, this is accomplished by means of a Proposal Analysis Report which is then briefed to the source selection authority. For smaller buys where formal source selection procedures are not used, the documentation is typically included as part of the Business Clearance Memorandum. The analysis and comparisons in this documentation should be used as an aid to the source selection authority's judgment - not as a substitute for judgment.

The documentation may contain:

► Introductory information such as:

- Data about the source selection plan.
- The basis for award and evaluation factors and subfactors.

- Participants in the evaluation process.

- Solicitation requirements.

- The number of offerors solicited.

- The offerors who responded and those in the competitive range.

► A summary of each proposal within the competitive range.

► Comparative analyses of both cost and non-cost factors of the proposals within the competitive range. The factors and subfactors evaluated should be discussed, first individually and then comparatively. The comparative cost analysis should explain the reasonableness, realism, and completeness of each offeror's price or cost proposal. Each proposal's major strengths, weaknesses, risks, as well as the details and results of the tradeoff or value analysis should be included.

► A discussion of the overall impact of significant risks associated with each proposal within the competitive range. This discussion may address, for example:

- Technical risks inherent in the offeror's proposed approach.

- Degree of confidence in the realism of the offeror's cost or price proposal taking into consideration technical and schedule risk.

- Production risks relating to new technologies and overall production competence.

- Performance risks relative to the offeror's record of recent and relevant past performance.

► A summary of the comparative analyses, expressed in brief statements, of the issues considered significant to the source selection authority's decision. If requested by the source selection authority, a selection recommendation would be included.

Documenting the Selection Decision and Awarding the Contract

Documentation setting forth the decision rationale must be prepared to support the source selection authority's decision. The selection statement must be a stand-alone document which succinctly provides rationale for the selection. It should explain how the successful proposal measured up against other offerors based on the evaluation factors and subfactors in the solicitation. It should also explain the tradeoff judgments. This document becomes part of the official contract file.

After the source selection authority has signed the selection decision document, the contracting officer may execute and distribute the contract.

Notification and Debriefing of Unsuccessful Offerors

Debrief offerors promptly, at their request, as to the basis for the selection decision. Candidly explain the results of the Government's evaluation of their proposal without making any point-by-point comparisons with the content of other proposals.

The FAR provides policies and procedures for notification and debriefing of all unsuccessful offerors. For a number of reasons, it is extremely important to promptly notify and debrief them upon their written request. Since each offeror puts considerable resources into preparing and submitting a proposal, fairness dictates that the Government explain why a proposal was unsuccessful. Early notification will also permit unsuccessful offerors to release the resources which would have been devoted to the contract effort so they can be used on other work. It is also in the Government's best interest to fully inform the offeror of the proposal's shortcomings so the same mistakes are not repeated in future acquisitions. These actions reduce the cost of the competitive process and encourage the offeror to view the Government marketplace as a worthwhile area to invest its resources, thereby increasing competition.

Debriefing

Preparation for the debriefing should be thorough. Debriefings permit offerors to learn their strengths and weaknesses and how to improve future Government proposals.

"Thoroughly prepare for debriefings."

Offerors may also rely, however, on information provided at these sessions to influence their decision regarding filing a protest. An effective debriefing can often deter a protest by demonstrating that the Government conducted a thorough, fair evaluation and made a sound selection decision according to the established solicitation evaluation methodology. Other points that need to be emphasized:

- The FAR requires that when a contract is awarded on a basis of other than price alone, unsuccessful offerors must be debriefed and furnished the basis for the selection decision and contract award upon their written request. A debriefing may also be provided to the successful offeror.

► Schedule all debriefings as quickly as possible after award of the contract.

► Debriefings are not a forum for debate. The discussions should not include a point-by-point comparison with the content of other offerors' proposals.

► Debriefings should focus on a discussion of the offeror's proposal and its strengths and weaknesses in relation to the solicitation's requirements and clearly explain why the proposal was unsuccessful.

► Conduct debriefings with only one offeror at a time.

Provide an overview of the source selection process to show the disciplined procedures followed and the complete and impartial evaluation given all proposals. The offeror should be provided with as much information as possible, especially that which would be releasable under a Freedom of

Information Act (FOIA) request. However, information that should not be disclosed or discussed at the debriefing includes specific weights assigned to the evaluation factors and subfactors, and any information of a proprietary nature relative to the technical approach, cost/price information or any other such material in competing proposals.

► The debriefings should be conducted by or under the contracting officer's direction.

► Activities should document each debriefing and include this document in the contract file.

Lessons Learned

Following a contract award using the best value source selection approach, the source selection team may find it useful to prepare a lessons learned report and make it widely available.

"Document the experiences and results so future acquisitions can benefit."

The report should describe any pertinent, positive or negative issues such as new approaches or factors used, streamlining efforts or limiting the size of proposals that may benefit future source selection actions and planning. If the source selection decision is successfully protested and this resulted in a lesson learned, the report should also address what was learned as a result.

Top Ten Messages

1. Use a source selection approach commensurate with the acquisition's evaluation needs.

▶ Don't make source selection more complicated and expensive than necessary.

2. Invest in command or program resources needed for a competent and well documented best value source selection.

▶ Include the source selection authority as an active participant - this is not a "figure head" position.

▶ Train evaluators in best practices.

3. Understand the importance of planning.

▶ Think through the entire process.

▶ Prepare a source selection plan before the solicitation.

4. Structure the solicitation to communicate effectively to potential offerors:

▶ Government's requirements and mission objectives.

▶ The ground rules the government will use to select the most advantageous proposal for award.

▶ Evaluation factors and subfactors and their relative importance.

5. State requirements functionally, to the maximum extent possible.

▶ Limit use of design requirements.

6. Document strengths, weaknesses, risks and associated value of proposal to support the cost/technical tradeoff.

▶ Recognize that numerical rating systems and weighting can imply false precision and limit flexibility in the decision making process.

7. Justify a price premium with cost/technical tradeoff documentation regardless of the selected proposal's technical superiority.

8. Ensure that the source selection decision is consistent with Section M of the solicitation.

9. Do a proper and timely debriefing.

10. Document lessons learned.

Appendix A:

Definitions

Best Value. A process used in competitive negotiated contracting to select the most advantageous offer by evaluating and comparing factors in addition to cost or price.

Competitive Range. The offerors determined to have a reasonable chance of being awarded a contract. This evaluation is based on the cost and other evaluation factors stated in the solicitation. The competitive range is established for the purpose of conducting oral or written discussions with offerors in this category.

Design Specification. A specification that establishes precise measurement, tolerances, materials, in process and finished product tests, quality control, inspection requirements, and other specific details of the deliverable.

Evaluation Factors and Subfactors. Descriptions of those aspects of an offer that will be evaluated quantitatively or qualitatively to assess which proposal can best meet the Government's requirements as described in the solicitation.

Evaluation Standards. A baseline level of merit used for measuring how well an offeror's response meets the solicitation's requirements. Standards are usually a statement of the minimum level of compliance with a requirement which must be offered for a proposal to be considered acceptable.

Formal Source Selection. A structured, compartmented process that uses a source selection organization for evaluating proposals and selecting the source(s) for contract award. The source selection organization frequently includes an evaluation board, advisory council, and designated source selection authority. These groups accomplish proposal evaluation, comparative analysis of the proposals, and source selection. The source selection authority is at a management level above that of the contracting officer.

Functional Specification. A specification that describes the deliverable in terms of form, fit, and function and performance characteristics to satisfy the intended use.

Performance Specification. A specification that describes the deliverable in terms of desired operational characteristics.

Proposal Evaluation. An integrated assessment, which uses evaluation factors and subfactors and standards to determine each offeror's ability to satisfy the solicitation requirements. The process assesses the merits of each proposal against the solicitation requirements and rates the proposals on the factors identified in the solicitation.

Rating. The application of a scale of words, colors, or numbers, used in conjunction with narrative, to denote the degree to which the proposal has met the standard for a non-cost factor.

Source Selection Plan. The document that explains how proposals are to be solicited and evaluated to make the selection decision. It is the Government's plan for how it intends to acquire its needs.

Source Selection Process. The process used in competitive, negotiated acquisitions to select the proposal offering the most advantageous alternative to the Government.

Specification. A description of the technical requirements for a material, product, or service to be provided under a contract that includes the criteria for determining whether the requirements are met.

Statement of Work (SOW). The complete description of work to be performed under the contract, encompassing all specifications and standards established or referenced in the contract.

Unacceptable Proposal. A proposal which:

- (1) clearly demonstrates that the offeror does not understand or has failed to respond to the solicitation requirements;
- (2) contains substantial deficiencies or omissions such that sufficient correction or improvements to make the proposal acceptable would virtually require a new proposal; or
- (3) contains major deficiencies or omissions which discussions with the offeror could not reasonably be expected to cure.

Work Breakdown Structure. A basic framework, similar to a table of contents, which outlines, divides, and subdivides to successively lower levels, the government's requirements as set forth in the SOW. Permits a logical arrangement of the elements of the SOW and a tracing of work effort and costs proposed by each offeror under each of the elements.

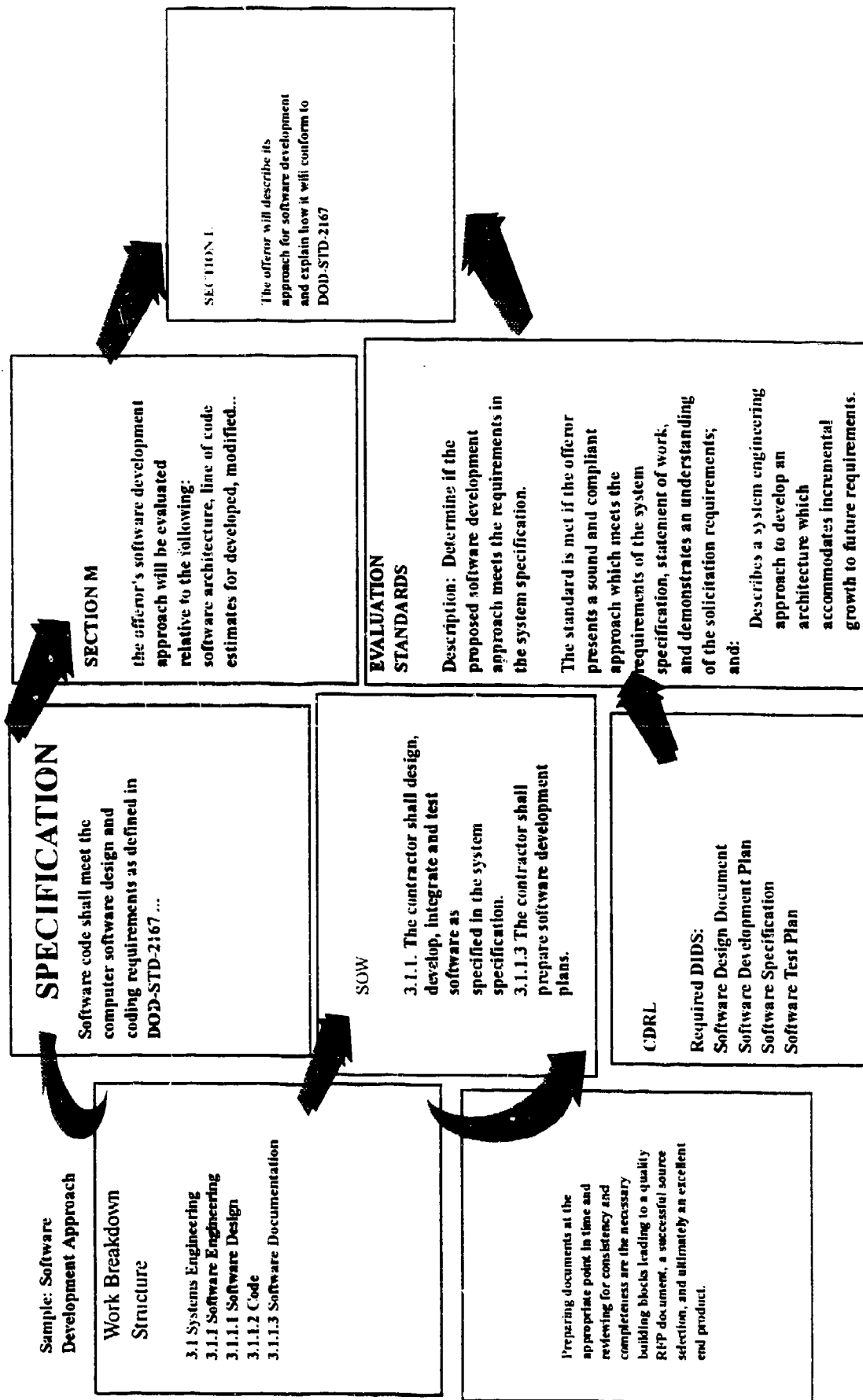
Appendix B: References

The following is a list of some of the sources which can provide more detailed information, guidance, and examples on various aspects of the best value approach to selecting a contract source. While most of the listed sources address formal source selection, the procedures can be tailored for best value source selections using other than a formal approach.

- | | |
|--|---|
| Federal Acquisition Regulation (FAR) 15.600, Source Selection | AMC Pamphlet 715-3, Volume 2, Source Selection Administration |
| Department of Defense Directive 5000.1 | AMC Pamphlet 715-3, Volume 3, The Source Selection Process (Lessons Learned) |
| Department of Defense Instruction 5000.2 | AMC Pamphlet 715-3, Volume 4, Past Performance in Source Selection, An Evaluation Guide |
| Army FAR Supplement (AFARS), Appendix AA, Formal Source Selection | Federal Acquisition Institute, Text/Reference, Source Selection |
| AFARS Manual No. 1, Formal Source Selection Procedures for Army Systems Acquisitions | Nash, R. C., & Cibinic, J. (1993). <i>Competitive Negotiation: The Source Selection Process</i> . The George Washington University, National Law Center, Government Contracts Program, Washington, D.C. |
| Army Materiel Command (AMC) Pamphlet 715-3, Volume 1, The Source Selection Process | |

APPENDIX C: TRACKING SAMPLE

(WBS, SPEC, SOW, CDRL, Section M, Evaluation Standards and Section L.)



Document Sequencing:
WBS

SPEC

SOW

CDRL

Sec M and Eval Stds

Sec L

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